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9 UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

10 RUSH GROUP INC., an Alberta  
11 corporation; RGIC INVESTMENTS CORP.,  
12 an Alberta corporation; and RANDALL  
RUSH,

13 Plaintiffs,

14 v.

15 HTP, INC., f/k/a HYTECH POWER, INC.  
16 f/k/a DEEC, INC. a Washington  
Corporation; HENRY DEAN, an individual;  
17 EVAN JOHNSON, an individual; and  
PHILLIP JENNINGS, an individual,

18 Defendants.  
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No. C19-691 RSM

JOINT STIPULATION TO REMAND  
AND ORDER

20 **STIPULATION**

21 Plaintiffs Rush Group Inc., RGIC Investments Corp., and Randall Rash, and Defendants  
22 HTP Inc., Henry Dean, Evan Johnson, and Phillip Jennings (the “Parties”), through their  
23 undersigned counsel, hereby stipulate to remand this matter to the Superior Court of the State of  
24 Washington in and for King County. On May 8, 2019, Defendants filed a Notice of Removal of  
25 Action under 28 U.S.C. §1441(b). Because “the Defendants are citizens of the state of  
26 Washington,” removal to federal court is barred under 28 U.S.C. §1441(b)(2). Per 28 U.S.C.

1 §1441(b)(2), “[a] civil action otherwise removable solely on the basis of the jurisdiction under  
2 section 1332(a) of this title may not be removed if any of the parties in interest properly joined  
3 and served as defendants is a citizen of the State in which such action is brought.” Pursuant to  
4 paragraph five of the notice of removal, “Defendant HTP, Inc. was at time of filing, and still is,  
5 a citizen of the State of Washington. Defendant Henry Dean is a citizen of the State of  
6 Washington. Defendant Evan Johnson is a citizen of the State of Washington. Defendant Phillip  
7 Jennings is a citizen of the State of Washington.” Notice of Removal, ECF No. 1 at ¶ 5. Thus,  
8 removal is barred under 28 U.S.C. §1441(b)(2).

9 Accordingly, the parties hereby stipulate to remand this matter to the Superior Court of  
10 the State of Washington in and for King County, and present a proposed order for the Court  
11 below.

12  
13 The parties so stipulate this 14th day of May, 2019.

14 s/ Andrew R. Escobar

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**ORDER**

On May 8, 2019, Defendants filed a Notice of Removal of Action under 28 U.S.C. §1441(b). Because “the Defendants are citizens of the state of Washington,” removal to federal court is barred under 28 U.S.C. §1441(b)(2). The parties submitted a Stipulation and [Proposed] Order on May 13, 2019 to remand the case back to the Superior Court of the State of Washington in and for King County. The Court, having reviewed the stipulation of the parties and finding just cause, hereby ORDERS that the stipulation to remand to state court is GRANTED. The Clerk of Court shall immediately REMAND this matter to the Superior Court of the State of Washington for King County, each party to bear its own costs and fees associated with the removal and remand of this action.

Dated this 16<sup>th</sup> day of May 2019.



RICARDO S. MARTINEZ  
CHIEF UNITED STATES DISTRICT JUDGE

Presented by:

s/ Andrew R. Escobar

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